

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Licensing Freezes and Petition for	)	DA 11-562
Rulemaking to Amend the Commission's DTV	)	
Table of Allocations to Prohibit the Future	)	RM-11626
Licensing of Channel 51 Broadcast Stations and	)	
to Promote Voluntary Agreements to Relocate	)	
Broadcast Stations From Channel 51	)	

**COMMENTS OF VERIZON WIRELESS**

Verizon Wireless hereby responds to the *Public Notice* in the above captioned matter seeking comment on CTIA – the Wireless Association's and the Rural Cellular Association's (jointly "CTIA/RCA") Petition for Rule Making and Request for Licensing Freezes ("Petition").<sup>1</sup>

In their Petition CTIA/RCA request that the Commission: (1) revise its rules to prohibit future licensing of TV broadcast stations on Channel 51; (2) implement immediate freezes of any new or modified TV broadcast facilities on Channel 51; and (3) accelerate the clearance of incumbent channel 51 broadcasters where agreement is reached to voluntarily relocate to an alternate channel. Verizon Wireless supports the above requests as they will promote the rapid deployment of broadband wireless services such as its 4G LTE network. Verizon Wireless, for example, has already begun using its 700 MHz spectrum to provide 4G LTE and plans to overlay its entire 3G network with LTE by the end of 2013. We urge the Commission to adopt CTIA/RCA's proposals as soon as possible.

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<sup>1</sup> Media Bureau Action, Media Bureau Seeks Comment on a Petition for Rulemaking and Request for Licensing Freezes, *Public Notice*, RM-11626, DA 11-562 (rel. March 28, 2011) ("*Public Notice*").

## **I. GRANT OF THE PETITION WILL PROMOTE DEPLOYMENT OF WIRELESS BROADBAND SERVICES.**

While the 700 MHz spectrum is ideal for wireless broadband deployment, licensees like Verizon Wireless that hold 700 MHz A Block licenses (“A Block”) face technical challenges caused by the presence of broadcast TV operations on Channel 51. As CTIA/RCA note in their Petition, by taking action to reduce the potential for interference between TV broadcasters and 700 MHz licensees, the Commission will provide A Block Licensees with a “clear picture of the interference environment in the band, and enable them to plan deployment of their networks.”<sup>2</sup> A Block Licensees are experiencing technical challenges because of the A Block’s close proximity to TV stations that are incompatible with mobile services. Because the Lower A Block is immediately adjacent to TV Channel 51, the risk of interference between the two services is significant. Moreover, the continued expansion of TV stations on Channel 51 creates significant uncertainty about the future interference environment and places at risk any deployment of broadband services using the A Block. Minimizing the obstacles A Block Licensees face is critical to meet the broadband policy objectives of the Commission in the 700 MHz block. Further, absent action as proposed by CTIA, the continued risk of interference between Channel 51 TV stations and A Block licensees will prevent the offering of the full range of broadband services like LTE in certain markets.

The interference concerns associated with Channel 51 are two fold. First, under the Commission’s rules, A Block licensees must ensure that their operation in the A Block does not cause harmful interference to Channel 51 TV/DTV receivers.<sup>3</sup> While 700 MHz system deployment in the A Block is possible in parts of the country where Channel 51 TV stations do not exist, deployment of mobile broadband services is likely to be difficult in areas near Channel

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<sup>2</sup> Petition at 2.

<sup>3</sup> 47 C.F.R. § 27.60.

51 TV/DTV stations. Moreover, continued expansion of Channel 51 for new TV stations imposes significant risks on A Block licensees that must protect TV/DTV operations.

Second, TV 51 operations will cause interference into A Block base station receivers that are attempting to communicate with consumer handsets and other wireless devices that are transmitting at relatively low power levels. While placement of 700 MHz base stations can help to mitigate interference from existing TV stations, the introduction of new TV stations operating on Channel 51 could cause significant interference that would require significant cost and disruption to resolve (if it could be resolved at all). Consequently, the risk of interference to 700 MHz base stations is unacceptable from operational and customer experience perspectives. In previous filings with the FCC, Motorola described the risks associated with “interference to lower 700 MHz A block operations caused by channel 51 transmissions,”<sup>4</sup> and LG cautioned that these interference concerns could ultimately harm the speed and commercial viability of deployment in the A Block.<sup>5</sup>

## **II. THE COMMISSION SHOULD NOT LICENSE ANY NEW BROADCAST OPERATIONS ON CHANNEL 51.**

The interference issues between Channel 51 and the A Block can be partially addressed by the Commission’s removal of Channel 51 from the DTV Table of Allotments and other rule revisions aimed at preventing the further licensing of broadcast stations on Channel 51.<sup>6</sup> If the Commission continues to license additional stations on Channel 51, it will exacerbate the interference issues described above, making it even more difficult for A Block licensees to deploy expansive broadband wireless service to serve customers and meet the growing need for wireless broadband capability. Further, some parties may seek to exploit the existing Channel 51

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<sup>4</sup> Petition at 5, *citing* Comments of Motorola, Inc., RM-11592, at 5 (Mar. 31, 2010).

<sup>5</sup> Petition at 6.

<sup>6</sup> Petition at 4, FN 8.

licensing process by applying for new stations on the expectation that A Block licensees will offer cash incentives to Channel 51 licensees for their agreement to vacate their licenses.

As the Petition appropriately notes, a prohibition of future broadcast licensing on Channel 51 is consistent with the Commission's key policy objectives of identification and allocation of additional spectrum for wireless broadband services. As President Obama stated, U.S. "leadership [in wireless telecommunications] will only happen if there is adequate spectrum available to support the forthcoming myriad of wireless devices, networks, and applications."<sup>7</sup> Maximizing the use of the A Block which is already licensed and allocated for broadband services is consistent with the Commission's and the Administration's broadband goals.

### **III. THE COMMISSION SHOULD IMMEDIATELY FREEZE ALL APPLICATIONS.**

The only way to curtail the risk of additional interference between Channel 51 TV stations and 700 MHz licensees is for the FCC to freeze all Channel 51 applications that were filed and or pending as of March 28, 2011 – the release date of the Public Notice in this rulemaking. Verizon Wireless supports the CTIA/RCA request that the freeze prohibit the filing of new applications for Channel 51 without prejudice to pending applicants requesting an alternate channel assignment should the Commission grant the Petition.<sup>8</sup> An immediate freeze is supported by past precedent and the need to fully use the A Block spectrum as discussed in these comments.<sup>9</sup> Further, by adopting the proposed freeze on the acceptance, processing and grant of applications, the FCC will preclude the risk of speculative applications. Finally, establishing such a freeze will provide A Block licensees with certainty of the presence of Channel 51

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<sup>7</sup> Petition at 8 *citing* Presidential Memorandum: Unleashing the Wireless Broadband Revolution (June 28, 2010).

<sup>8</sup> Petition at 12 and FN 30.

<sup>9</sup> *Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.00 Band, Implementation of Section 309(j) of the Communications Act – Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz Bands*, Memorandum Opinion and Order, 12 FCC Rcd 2910, 2915, at ¶ 10 (1997). *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*, Public Notice, 19 FCC Rcd 14810 (2004).

operations in their respective markets, which will promote more effective and efficient use of the 700 MHz band.

As CTIA/RCA note, their freeze request is consistent with past Commission actions to prevent interference in the 700 MHz band. For instance, when the Commission was considering the prohibition of wireless microphones in the 700 MHz band, it imposed a freeze on the filing of new applications seeking to operate on any 700 MHz band frequency after the end of the DTV transition, imposed a freeze on granting any request for equipment authorization of low power auxiliary devices that would operate on any 700 MHz band, and held in abeyance any pending license application or equipment authorization request involving operation of low power auxiliary devices on 700 MHz band frequencies after the conclusion of the DTV transition.<sup>10</sup> There the Commission found that the acceptance and processing of new applications would undermine its objectives in the wireless microphones proceeding.<sup>11</sup> A freeze on acceptance, processing, and grant of Channel 51 authorizations will similarly help achieve the Commission's objective of promoting deployment of new broadband wireless services in the 700 MHz band.

#### **IV. THE COMMISSION SHOULD FACILITATE CLEARANCE OF CHANNEL 51 WHERE VOLUNTARY AGREEMENTS ARE REACHED.**

Verizon Wireless supports the proposal by CTIA/RCA that the FCC should facilitate voluntary efforts to clear Channel 51 of existing broadcast operations by accelerating processing of replacement station applications. Accelerated processing of replacement station applications by the Commission where a broadcast television station and an A Block licensee have reached a voluntary agreement to relocate would speed up the deployment of 4G broadband services. Under existing processing procedures it can take as long as 6 months from the time a Petition to

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<sup>10</sup> Petition at 16.

<sup>11</sup> *Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band*, Notice of Proposed Rulemaking and Order, 23 FCC Rcd 13106, at ¶¶ 1, 23-24.

amend the Table of Allotments is filed and the time the Commission issues an Order amending the Table of Allotments.<sup>12</sup> Six months is an unacceptably long period of time given the rapid deployment of LTE.

As CTIA/RCA note the Commission has authority to expedite grant of new channel assignments upon publication in the Federal Register.<sup>13</sup> For example, in January 2010 the Commission made a new station authorization effective immediately upon Federal Register publication to ensure that the TV station met its digital construction deadline. The Commission should favor voluntary agreements by making new channel assignments effective upon publication in the Federal Register. Such action by the Commission would likely encourage existing Channel 51 licensees to enter into voluntary agreements since they could take advantage of the Commission's new expedited processing.

## **V. CONCLUSION**

Given the ever increasing need to deploy spectrum for broadband services like LTE, the Commission should (1) grant the petition and impose an immediate freeze on the acceptance, processing and grant of applications for new or modified broadcast facilities on Channel 51, and (2) begin a rulemaking to amend its rules to preclude further licensing of such facilities and


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<sup>12</sup> Petition at 19-20.

<sup>13</sup> Petition at 22; *see also* 47 C.F.R. § 73.623.

adopt expedited processing to facilitate clearing of A Block spectrum. Verizon Wireless urges the Commission to take both of these actions promptly since both are important to achieving the national objectives for rapid, expansive wireless broadband deployment.

Respectfully submitted,

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a horizontal line underneath the name.

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